
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 254 Session of
1999

INTRODUCED BY ORIE, GEIST, RUBLEY, YOUNGBLOOD, READSHAW,
CAPPABIANCA, THOMAS, SEYFERT, PESCI, M. COHEN AND LAUGHLIN,
FEBRUARY 2, 1999

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
FEBRUARY 2, 1999

AN ACT

1 Providing for and regulating the licensing, registration and
2 practice of verbatim reporting; creating and imposing powers
3 and duties on the State Board of Certified Verbatim
4 Reporters; prescribing penalties; and making an
5 appropriation.

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6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Certified
10 Verbatim Reporter Title Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Board." The State Board of Certified Verbatim Reporters
16 created by this act.

17 "Certified verbatim reporter." A person who is qualified and
18 licensed under this act.

19 "Commissioner." The Commissioner of Professional and
20 Occupational Affairs of the Commonwealth.

21 "Practice of verbatim reporting." The making, by a written
22 system of either manual shorthand or stenotype, or by use of a
23 stenomask, of a verbatim record of any adjudicatory or
24 testimonial proceeding or public hearing or any testimony given
25 under oath. Nothing in this term is intended to preclude or
26 supersede authority exercised by the Pennsylvania Supreme Court
27 under section 10 of Article V of the Constitution of
28 Pennsylvania.

29 Section 3. Verbatim reporting.

30 No person shall call himself a certified verbatim reporter

1 and engage in the practice of verbatim reporting unless he is
2 the holder of a license issued by the board.

3 Section 4. Examinations.

4 Examinations for licensure shall be scheduled at least
5 semiannually. All written, oral or practical examinations shall
6 be prepared and administered by a qualified and approved
7 professional testing organization in accordance with section
8 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as
9 The Administrative Code of 1929.

10 Section 5. Application for examination.

11 (a) Time and place.--Examinations shall be held at such
12 times and places as the board may designate.

13 (b) Filing.--Each applicant for the examination for a
14 license as a certified verbatim reporter shall file an
15 application with the board and will be scheduled for examination
16 on the next available date of examination. The application shall
17 be accompanied by an application fee to be set by the board by
18 regulation.

19 (c) Qualifications of applicant.--Each applicant for
20 examination shall furnish evidence satisfactory to the board
21 that the applicant:

22 (1) Is 18 years of age or older.

23 (2) Is a citizen of the United States or has declared
24 intention of becoming a citizen in accordance with law.

25 (3) Has satisfactorily completed a prescribed course in
26 verbatim reporting which has been approved by the board.

27 (4) Has not been convicted of a felony under the act of
28 April 14, 1972 (P.L.233, No.64), known as The Controlled
29 Substance, Drug, Device and Cosmetic Act, or of an offense
30 under the laws of another jurisdiction which if committed in

1 this Commonwealth would be a felony under The Controlled
2 Substance, Drug, Device and Cosmetic Act, unless:

3 (i) at least ten years have elapsed from the date of
4 conviction;

5 (ii) the applicant satisfactorily demonstrates to
6 the board that he has made significant progress in
7 personal rehabilitation since the conviction, such that
8 licensure of the applicant should not be expected to
9 create a substantial risk of harm to the health and
10 safety of his clients or the public or a substantial risk
11 of further criminal violations; and

12 (iii) the applicant otherwise satisfied the
13 qualifications contained in or authorized by this act.

14 As used in this paragraph, the term "convicted" shall include a
15 judgment, an admission of guilt or a plea of nolo contendere.
16 Section 6. Licensure.

17 (a) License and fee.--The board shall, upon payment of the
18 initial licensing fee, issue to each person passing the
19 examination to the board's satisfaction a license setting forth
20 that such person has been licensed as a certified verbatim
21 reporter.

22 (b) License for active practitioners.--The board shall, in
23 lieu of all other requirements, grant a license to any person
24 who has been actively engaged, as defined by the board, as an
25 official reporter in a United States District Court or a court
26 of this Commonwealth for a period of five years or more before
27 the effective date of this act. In addition to the above
28 individuals, the board shall, in lieu of all other requirements,
29 grant a license to any person who is a registered professional
30 reporter, sometimes designated as "R.P.R.," or holds

1 certification from the National Stenomask Reporters Association,
2 or a nonregistered professional reporter or noncertified court
3 reporter who has evidenced proof of graduation from high school
4 and has worked in verbatim reporting for five years as his
5 principal work, with proof of such employment from a judge or,
6 if he worked as a freelance or private contractor, notarized
7 affidavits from three attorneys. The license shall be issued by
8 the board upon application for licensure within one year after
9 the effective date of this act and the payment of an application
10 fee. In addition to the initial licensing fee, the board shall
11 require an applicant to submit satisfactory proof that he was
12 engaged as required in this subsection. This subsection shall
13 expire one year from the effective date of this act.

14 (c) Provisional license.--The board shall grant a
15 provisional license to any reporter recently graduated from a
16 program approved by the board for a time period to extend until
17 results are announced for the next examination conducted under
18 this act. Provisional licenses shall expire if the person fails
19 the examination.

20 Section 7. Renewal procedure.

21 (a) Board.--On a biennial basis, the board shall mail to
22 each holder of a license an application for license renewal. The
23 renewal application shall contain the applicant's name, office
24 and residence addresses, the number of the applicant's license
25 and such other information as the board shall deem necessary.

26 (b) Applicant.--The applicant shall complete, sign and
27 certify to the accuracy of his application and shall forward the
28 application, together with the renewal fee to the board.

29 (c) Additional fee.--Any certified verbatim reporter who
30 fails or neglects to apply for registration within one year of

1 the effective date of this act or at any later time fails to
2 apply for renewal of licensure shall be required to make
3 application as provided in section 5, sit for examination and
4 pay such fees as are provided for a new applicant.

5 (d) Failure to register.--Any person who calls himself a
6 certified verbatim reporter and who practices verbatim reporting
7 without first being licensed commits an illegal practice for
8 which the board may refuse to grant a license.

9 Section 8. Certified verbatim reporter.

10 Any person holding a valid license under this act shall be
11 known as a "certified verbatim reporter" and may use such title
12 or the abbreviation "C.V.R." No other person, firm or
13 partnership, any of the members of which have not received this
14 license, and no corporation shall assume or use the title or
15 abbreviation or in any manner whatever represent that the
16 person, firm, partnership or corporation is a certified verbatim
17 reporter.

18 Section 9. State Board of Certified Verbatim Reporters.

19 (a) Creation.--There is hereby created and established, as a
20 departmental and administrative board within the Department of
21 State, the State Board of Certified Verbatim Reporters. The
22 board shall be subject to the applicable provisions of the act
23 of April 9, 1929 (P.L.177, No.175), known as The Administrative
24 Code of 1929.

25 (b) Members.--The board shall consist of nine members to be
26 made up as follows: the commissioner or his designee, four
27 verbatim reporters appointed by the Governor, two members
28 appointed by the Governor from the general public and two
29 members of the Pennsylvania Bar who have practiced for at least
30 ten years appointed by the governor. All members appointed by

1 the Governor shall require confirmation by a majority of the
2 members elected to the Senate.

3 (c) Terms.--Of the initial membership appointed by the
4 Governor, three shall be appointed for a term of one year, three
5 for a term of two years and two for a term of three years. No
6 member may serve more than two consecutive terms. Thereafter,
7 appointments shall be for three-year terms.

8 (d) Vacancies.--When the term of each appointed member of
9 the board ends, the Governor shall appoint his successor for a
10 term of three years, by and with the advice and consent of a
11 majority of the members elected to the Senate. Any appointive
12 vacancy occurring on the board shall be filled by the Governor
13 by appointment for the unexpired term, by and with the advice
14 and consent of a majority of the members elected to the Senate.
15 Board members shall continue to serve until their successors are
16 appointed and qualified but not longer than six months beyond
17 the three-year period.

18 (e) Quorum.--A majority of the members serving in accordance
19 with law shall constitute a quorum for the transaction of
20 business.

21 (f) Chairman.--The board shall elect one of its members as
22 chairman of the board and one of its members as secretary. They
23 shall hold office for a period of two years.

24 (g) Expenses.--Each member of the board shall be reimbursed
25 for reasonable travel, lodging, meals and other expenses
26 directly related to the operation of the board. Each member of
27 the board, except the commissioner or his designee, shall
28 receive \$60 per diem when actually attending to the work of the
29 board.

30 (h) Forfeiture of membership.--A board member who fails to

1 attend three consecutive meetings shall forfeit his seat unless
2 the commissioner, upon written request from the member, finds
3 that the member should be excused from a meeting because of
4 illness or the death of a family member.

5 (i) Forfeiture for nonattendance.--A public member who fails
6 to attend two consecutive statutorily mandated training seminars
7 in accordance with section 813(e) of The Administration Code of
8 1929 shall forfeit his seat unless the commissioner, upon
9 written request from the public member, finds that the public
10 member should be excused from a meeting because of illness or
11 the death of a family member.

12 (j) Notice.--Reasonable notice of all meetings shall be
13 given in conformity with the act of July 3, 1986 (P.L.388,
14 No.84), known as the Sunshine Act.

15 Section 10. Powers and duties.

16 The board shall have the following powers and duties:

17 (1) To make rules and regulations necessary for the
18 administration and enforcement of this act, including
19 continuing education requirements for renewal of licenses.

20 (2) To issue subpoenas, seek injunctions, conduct
21 hearings on disciplinary matters and designate any member of
22 the board to administer oaths and take testimony concerning
23 any matter within the jurisdiction of the board.

24 (3) To refuse to issue, limit, suspend or revoke
25 licenses and to reprimand licensees.

26 (4) To administer this act subject to the powers of the
27 commissioner and the Department of State.

28 (5) To authorize the issuance of licenses.

29 (6) To approve examinations and provide for at least
30 annual examinations at such time and place as deemed

1 appropriate by the board.

2 (7) To issue licenses to those successfully completing
3 examinations and to see that application and licensure fees
4 are paid as a prerequisite of licensure.

5 (8) To recommend those personnel as may be necessary to
6 carry out the administration of this act.

7 (9) To establish all fees required by this act by
8 regulation.

9 (10) To submit annually a report to the Consumer
10 Protection and Professional Licensure Committee of the Senate
11 and the Professional Licensure Committee of the House of
12 Representatives containing a description of the types of
13 complaints received and status of the cases. The report shall
14 also include a list of multiple certifications and
15 reinstatements.

16 (11) To submit annually to the Appropriations Committee
17 of the Senate and the Appropriations Committee of the House
18 of Representatives, 15 days after the Governor has submitted
19 his budget to the General Assembly, a copy of the budget
20 request for the upcoming fiscal year which the board
21 previously submitted to the Department of State.

22 Section 11. Licenses.

23 (a) Suspensions and revocation.--The board may refuse to
24 issue, limit, suspend or revoke any license in any case where
25 the board finds that the applicant or licensee:

26 (1) Has been convicted of any felony or of a misdemeanor
27 related to verbatim reporting.

28 (2) Is unfit or incompetent by reason of a physical or
29 mental disease or disability or the intemperate use of
30 alcoholic beverages or controlled substances. Failure to

1 submit to examination by a licensed physician or
2 psychologist, if ordered upon probable cause by the board,
3 shall constitute an admission of guilt under this section,
4 upon which a default and final order may be issued by the
5 board without further proceedings.

6 (3) Has willfully violated any of the provisions of this
7 act or of the regulations of the board.

8 (4) Has committed fraud or deceit in the practice of
9 certified verbatim reporting or in procuring admission to
10 such practice.

11 (5) Has failed to register or renew the license.

12 (b) Formal action.--All disciplinary actions shall be made
13 only in accordance with a majority vote of the members of the
14 board.

15 (1) Disciplinary actions shall be subject to the right
16 of notice, hearing and adjudication and the right of appeal
17 therefrom in accordance with 2 Pa.C.S. (relating to
18 administrative law and procedure).

19 (2) The board, by majority action, may modify any prior
20 disciplinary order, provided that substantial evidence is
21 presented that the conditions provoking the original order
22 have been ameliorated or that substantial mitigation and
23 rehabilitation has occurred.

24 Section 12. Register.

25 The board shall annually prepare a register of certified
26 verbatim reporters in this Commonwealth, which shall be
27 available on request upon payment of a copying fee.

28 Section 13. Reciprocity.

29 Any certified or registered court reporter or verbatim
30 reporter currently licensed in another state may, after

1 establishing legal residency for a period of 60 days in
2 Pennsylvania, make application and upon payment of required
3 fees, be licensed as a Pennsylvania certified verbatim reporter,
4 provided that the criteria for licensure are substantially
5 similar and that the same privilege is extended by that state to
6 Pennsylvania licensees.

7 Section 14. Penalties.

8 (a) Criminal penalties.--A person who violates this act
9 commits a summary offense and shall, upon conviction, be
10 sentenced to pay a fine of not less than \$500 nor more than
11 \$2,000.

12 (b) Civil penalty.--In addition to any other civil remedy or
13 criminal penalty provided for in this act, the board, by a vote
14 of the majority of the maximum number of the authorized
15 membership of the qualified and confirmed membership or a
16 minimum of five members, whichever is greater, may levy a civil
17 penalty of up to \$1,000 on any current licensee who violates any
18 provision of this act or on any person who holds himself out as
19 a certified verbatim reporter without being so licensed under
20 this act. The board shall levy this penalty only after affording
21 the accused party the opportunity for a hearing, as provided in
22 2 Pa.C.S. (relating to administrative law and procedure).

23 Section 15. Operating expenses.

24 All fees, fines, penalties and other moneys derived from the
25 operation of this act shall be paid into the Professional
26 Licensure Augmentation Account and disbursed in accordance with
27 law. If the revenue raised by fees and fines are not sufficient
28 to meet the expenditures over a two-year period, the board shall
29 increase those fees by regulation so that the projected revenues
30 meet or exceed projected expenditures. If the Bureau of

1 Professional and Occupational Affairs determines that the fees
2 established by the board are inadequate to meet minimum
3 enforcement efforts required by this act, then the bureau, after
4 consultation with the board, shall increase the fees by
5 regulation to meet the required enforcement effort.

6 Section 16. Appropriation.

7 The sum of \$100,000, or as much thereof as may be necessary,
8 is hereby appropriated from the Professional Licensure
9 Augmentation Account within the General Fund to the Bureau of
10 Professional and Occupational Affairs in the Department of State
11 for the payment of costs for processing licenses and renewals,
12 for the operation of the State Board of Certified Verbatim
13 Reporters and for other general costs of the bureau relating to
14 this act. The appropriation granted shall be paid by the board
15 within three years of the beginning of issuance of licenses by
16 the board.

17 Section 17. Effective date.

18 This act shall take effect in 60 days.